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Facts v. Rhetoric on Hate Crimes Legislation
Congress' Record on Federalization

Opponents of federal hate crimes legislation have repeatedly used the argument that providing limited federal jurisdiction to investigate and prosecute bias-motivated violent crimes is an unjustified and unwarranted federalization of crimes already illegal under state laws.

However, Congress has rejected this argument repeatedly in the past decade by passing hundreds of bills that give the federal government jurisdiction over crimes that states already consider illegal. Just this year, the House voted 323-95 to make it a federal crime to sell or purchase a “non-human primate” (such as a chimpanzee) in interstate or foreign commerce.

There are now well over 4,000 federal offenses that carry criminal penalties. From 1995 to 2006, the Republican-controlled Congress enacted nearly 100 public laws that created new federal crimes or imposed new federal criminal penalties for conduct that was already criminal under state law. Most of these laws created more than one new federal crime; in fact, from 1997 to 2003, these public laws created over 600 new federal crimes.

Below is a partial list of federal crimes enacted into law during Republican control of Congress:

- Telephone Records and Privacy Protection Act of 2006;
- Stolen Valor Act of 2005;
- Animal Enterprise Terrorism Act of 2006;
- Adam Walsh Child Protection and Safety Act of 2006;
- Respect for America's Fallen Heroes Act of 2006;
- Stop Counterfeiting in Manufactured Goods Act of 2005;
- Violence Against Women and Department of Justice Reauthorization Act of 2005;
- Video Voyeurism Prevention Act of 2004;
- Unborn Victims of Violence Act of 2004;
- Trafficking Victims Protection Reauthorization Act of 2003;
- Controlling the Assault of Non-Solicited Pornography and Marketing Act of 2003;
- Partial-Birth Abortion Act of 2003;
- Veterans Memorial Preservation and Recognition Act of 2003;
- Clean Diamond Trade Act of 2003;
- Farm Security and Rural Investment Act of 2002;
- Victims of Trafficking and Violence Protection Act of 2000;
- Muhammad Ali Boxing Reform Act of 2000;
- Federal Law Enforcement Animal Protection Act of 1999;
- H.R. 1887, prevention of depiction of animal cruelty;
- Deadbeat Parents Punishment Act of 1998;
- Telemarketing Fraud Prevention Act of 1998;
- Comprehensive Methamphetamine Control Act of 1996;
- Economic Espionage Act of 1996;
- Church Arson Prevention Act of 1996;

- Drug-Induced Rape Prevention and Punishment Act of 1996; and
- Sex Crimes Against Children Prevention Act of 1995.

These laws address a wide range of issues from punishing "deadbeat dads" to criminalizing protests at veterans' funerals. Furthermore, a federal bill protecting animals used in law enforcement was considered so non-controversial that it sailed through the House by voice vote. By contrast, Congress has failed to send to the President's desk a bill that would allow the federal government to investigate and prosecute hate crimes based on sexual orientation, gender, gender identity, and disability or to provide aid to local law enforcement in these cases.

The fact is that Congress has regularly criminalized behavior in areas with broad national implications, including organized crime, terrorism, corporate fraud transcending state lines, and civil rights. Furthermore, the federal government has historically played a significant role in the protection of civil rights. Just as Congress asserted valuable reasons for enacting these federal laws, there are many important reasons why it's necessary for Congress to respond to the ongoing problem of hate violence in this country.

For more information, contact the Human Rights Campaign at 202-628-4160.